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Attorney Docket No. 53625
VIA FACSIMILE

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. The Applicants have reviewed the Office Action of October 10, 2003, and respectfully assert that this paper is responsive to all points raised therein. Applicants' response is two-months late, therefore Applicants have requested a two-month extension of time. Since Applicants have previously paid \$55.00 for a one-month extension of time, Applicants are paying \$155.00 to cover the two-month extension of time.

I. Response to Objections

The disclosure and the specification is objected to for the reasons at paragraph 1 of the Office Action.

Applicants have amended the specification beginning at page 17, line 11 and ending at page 18, line 2 by deleting the word nut and inserting the word bolt before the 170 on line 11 and deleting the word bolt and inserting the word nut before the number 172 on line 11. At line 13 of page 17, Applicants have amended the specification by deleting the number 32 after the word drophead and inserting the number 30 therefore as requested by the Examiner. At line 16 of page 17, Applicants have deleted the word screw and have inserted therefore the word bolt before the number 170. Beginning at page 18, line 3 and ending at page 18, line 22 Applicants have amended the paragraph to better conform to the Examiner's instructions. Specifically, at page 18, line 14 the applicants have deleted the word hat and have inserted the word cap before the number 176. Applicants assert that the amendments to the specification are typographical in nature and do not add new matter to the specification. Furthermore, Applicants amendments are

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in accordance with Examiner's suggested changes and therefore overcome the Examiner's objections.

II. Allowable Subject Matter

The Applicants note that the Examiner has indicated that Claims 1-4 and 28 are allowed.

III. Amendments To Claims

Claim 8 has been amended for formalities per the Examiner's request in paragraph 2 of the current office action. Claim 5 has been amended to more clearly indicate the structure of the drophead member. Claim 20 has been cancelled without prejudice. Claim 21 has been amended similarly to claim 5 in order to more clearly describe the structure of the drophead member. Claim 29 has been amended to depend from claim 21. These amendments are based on the specification do not add new matter. When necessary the amendments for specific claims are discussed further below.

IV. Response to Rejections Under 35 USC 102(b)

Claims 5, 17, 20, 21 and 29 were rejected under 35 USC 102(b) as anticipated by Johnston, U.S. Patent No. 4,841,708 (the '708 patent).

Claim 5, as amended, is directed to a post shore and decking system having a post shore which includes a main leg, a drophead member which is received and removably held by the post shore, and a ledger member. The main leg of the post shore is non-symmetrical. The ledger member has opposed ledger catches and more than one channel. The drophead member has a square shaped platform member located opposite the bottom of the drophead member, and a

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member for receiving the ledger catches of the ledger member is located between the platform member and the bottom of the drophead member.

Claim 17 depends from Claim 5 and therefore the discussion with regards to currently amended Claim 5 also applies to Claim 17.

Claim 20 has been cancelled without prejudice and is therefore not discussed with regards to this rejection.

Claim 21, as amended, is directed to a post shore and decking system having a main leg, a drophead member which is received and removably held by the main leg, and a ledger member. The main leg is non-symmetrical. The ledger member has opposed ledger catches and more than one channel. The drophead member has a square shaped platform member located opposite the bottom of the drophead member, and a member for receiving the ledger catches of the ledger member is located between the platform member and the bottom of the drophead member.

Claim 29 has been amended to depend from Claim 21 and therefore the discussion with regards to currently amended Claim 21 also applies to Claim 29.

The '708 patent is directed to a shoring frame comprised of a pair of shoring frame legs, a plurality of linear bracing members, a plurality of brackets and a first and second plurality of bolt fasteners. Endcaps are inserted at the upper ends of the shoring frame legs 14. The endcaps may be jack screws 29 having handles 31 which terminate in U-heads 35, as shown in Fig. 1. The U-heads support primary members which may be stringers or beams 37 across which are placed secondary members or beams 39 which support the panel 41. As can be seen in Fig. 1, the primary members sit on top of the U-heads. By attaching to the U-heads in this manner, the primary members do not include any structures which are ledger catches. Further, because the

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primary members sit on the top of the U-heads, there is not any structure on the shoring frame legs that will receive any portion of the primary member, as with the claimed invention.

Based on the above, it is respectfully asserted that the '708 patent fails to show, teach or suggest any structure for a ledger member with opposed ledger catches for receipt by the drophead member of the main leg. Accordingly, Claims 5, 17, 21 and 29 are neither anticipated under 35 USC 102(b) nor obvious by or in view of the '708 patent.

V. Response to Rejections under 35 USC 103(a)

Claims 6 through 12, 16 and 18 through 19 were rejected under 35 USC 103(a) as being unpatentable over the '708 patent in view of the '708 patent.

Claims 6 through 12, 16 and 18 through 19 are all dependent from Claim 5, which was discussed above. That discussion is applicable here.

The '708 patent was discussed above as compared to Claim 5. That discussion is also applicable here. Further, the combination of features of the '708 patent as suggested by the Examiner, Figs 1, 10, and 12 disclose a shoring frame having non-symmetrical legs and U-heads for supporting primary members. Figs 2, 3 and 7 show a plurality of holes for securing brackets to the legs of the shoring frame and bracing members to the brackets. The combination suggested by the Examiner thus yields a shoring frame having non-symmetrical legs and U-heads for supporting primary members, wherein the non-symmetrical legs further include a plurality of holes. There is no teaching or suggestion in the '708 patent of a drophead member which includes a member for receiving the ledger catches of a ledger member. Further, there is no teaching or suggestion in the '708 patent of ledger catches attached to the ledger (primary

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member). As disclosed in the '708 patent, the primary members sit on the U-heads attached to the endcaps of the legs of the shoring frame.

Based on the reasons above, it is respectfully asserted that the Examiner's combination of the '708 patent in view of the '708 patent does not teach, suggest or make obvious the claims of the current application. Accordingly, it is respectfully asserted that claims 6 through 12, 16 and 18 through 19 are non-obvious under 35 USC 103(a) in view of the cited art.

Claim 13 was rejected under 35 USC 103(a) as being unpatentable over the '708 patent in view of Ratcliff et al., U.S. Patent No. 3,917,214 (the '214 patent).

Claim 13 depends from Claim 5, which was discussed above. That discussion is applicable here.

The '708 patent discloses a shoring frame comprised of non-symmetrical legs and U-heads for supporting primary members. As can be seen in Fig. 1, the primary members sit on top of the U-heads. Because the primary members sit on the top of the U-heads, there is not any structure on the shoring frame legs that will receive any portion of the primary member, and there is no structure at the ends of the primary members to attach to the shoring frame legs. Further, since the primary members sit in the U-heads, there is no teaching or suggestion in the '708 patent for any additional structures, such as drophead members or ledger catches to secure the primary members between the shoring frame legs.

The '214 patent, cited to teach the joist member with opposed ends having a ledger catch, cannot be used to modify the '708 patent. The '708 patent, as discussed above, discloses that the primary members (joist members) sit on the U-heads connected to the tops of the shoring frame legs and not on the sides of the shore framing legs or joists supports as disclosed in the '214 patent. Accordingly, the Examiner's combination of the '214 patent with the '708 patent cannot

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be made, as the '708 patent fails to teach or suggest modification in accordance with the system taught by the '214 patent.

Based on the reasons above, it is respectfully asserted that the Examiner's combination of the '708 patent and the '214 patent is improper and could not be made absent hindsight. Accordingly, it is respectfully asserted that Claim 13 is non-obvious under 35 USC 103(a) in view of the cited art.

Claims 13 through 15 were rejected under 35 USC 103(a) as being unpatentable over the '708 patent in view of the brochure "TITAN Formwork Systems" (TITAN).

Claims 13 through 15 depend from Claim 5, which was discussed above. That discussion is applicable here.

The '708 patent discloses a shoring frame comprised of non-symmetrical legs and U-heads for supporting primary members. As can be seen in Fig. 1, the primary members sit on top of the U-heads. Because the primary members sit on the top of the U-heads, there is not any structure on the shoring frame legs that will receive any portion of the primary member, and there is no structure at the ends of the primary members to attach to the shoring frame legs. Further, since the primary members sit in the U-heads, there is no teaching or suggestion in the '708 patent for any additional structures, such as drophead members or ledger catches to secure the primary members between the shoring frame legs.

TITAN, cited to teach a ledger having opposed ledger catches and top and bottom parallel channels and a joist member, cannot be used to modify the '708 patent. The '708 patent, as discussed above, discloses that the primary members (joist members) sit on the U-heads connected to the tops of the shoring frame legs and are not attached to the sides of the shoring frame legs as shown in TITAN. Accordingly, the Examiner's combination of TITAN with the

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'708 patent cannot be made, as the '708 patent fails to teach or suggest modification in accordance with the system taught by TITAN.

Based on the reasons above, it is respectfully asserted that the Examiner's combination of the '708 patent and TITAN is improper and could not be made absent hindsight. Accordingly, it is respectfully asserted that Claim 13 is non-obvious under 35 USC 103(a) in view of the cited art.

Claims 5, 14, 15, 17, 20 through 21 and 29 were rejected under 35 USC 103(a) as being unpatentable over the brochure "Etobicoke Iron Works Limited Corporate Profile" (Etobicoke) in view of Etobicoke.

Claim 5 has been discussed above. The discussion is applicable here. Claims 14, 15 and 17 depend from Claim 5. Therefore the discussion of Claim 5 is applicable to these claims.

Claim 20 has been cancelled without prejudice and is not considered here.

Claim 21 has been discussed above. The discussion is applicable here. Claim 29 depends from Claim 21. Therefore the discussion of Claim 21 is applicable to Claim 29.

Etobicoke, "Components of 20K Frame System" discloses a shoring scaffolding frame comprised of non-symmetrical legs. The non-symmetrical leg has a shore staff attached to the top and a J-head with a screw jack attached to the shore staff. As can be seen in the figures on this page, the beam sits on top of the J-head. Because the beam sits on the top of the J-head, there is not any structure on the non-symmetrical legs that will receive any portion of the beam, and there is no structure at the ends of the beam to attach to the non-symmetrical legs. Further, since the beam sits in the J-head, there is no teaching or suggestion in the Etobicoke, "Components of 20K Frame System" for any additional structures, such as drophead members or ledger catches to secure the beam between the non-symmetrical legs.

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Etobicoke, "Dismantling the QS Drop-Head" and "Beam Stripped Position" pages, cited to teach a ledger having opposed ledger catches and top and bottom parallel channels and a drophead member, cannot be used to modify the Etobicoke, "Components of 20K Frame System". The Etobicoke, "Components of 20K Frame System", as discussed above, discloses a scaffolding system in which the beam sits on the J-head connected to the shore staff at the top of the non-symmetrical leg and is not attached to the side of the non-symmetrical leg. It is not clear in the Etobicoke, "Dismantling the QS Drop-Head" and "Beam Stripped Position" pages that a non-symmetrical leg is used with either system. Further, Etobicoke "Dismantling the QS Drop-Head" and "Beam Stripped Position" pages are showing a slabform system rather than a scaffolding system, it cannot be assumed the two systems cited by the Examiner would be interchangeable without a teaching to do so. Accordingly, the Examiner's combination of Etobicoke, "Components of 20K Frame System" with the Etobicoke "Dismantling the QS Drop-Head" and "Beam Stripped Position" pages cannot be made, as the Etobicoke "Components of 20K Frame System" page fails to teach or suggest modification in accordance with the system taught by Etobicoke, "Dismantling the QS Drop-Head" and "Beam Stripped Position" pages.

Based on the reasons above, it is respectfully asserted that the Examiner's combination of Etobicoke, "Components of 20K Frame System" with the Etobicoke "Dismantling the QS Drop-Head" and "Beam Stripped Position" pages is improper and could not be made absent hindsight. Accordingly, it is respectfully asserted that claims 5, 14, 15, 17, 21 and 29 are non-obvious under 35 USC 103(a) in view of the cited art.

Claims 5, 13, 14, 15, 17, 20 through 21 and 29 were rejected under 35 USC 103(a) as being unpatentable over the brochure "Doka Floor System" (Doka) in view of TITAN.

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Claim 5 has been discussed above. The discussion is applicable here. Claims 13, 14, 15 and 17 depend from Claim 5. Therefore the discussion of Claim 5 is applicable to these claims.

Claim 20 has been cancelled without prejudice and is not considered here.

Claim 21 has been discussed above. The discussion is applicable here. Claim 29 depends from Claim 21. Therefore the discussion of Claim 21 is applicable to Claim 29.

Doka discloses a scaffold frame comprised of non-symmetrical legs and a flat top for supporting beams or ledgers. As can be seen in the figure on the page entitled "Innovative technology and few separate parts - for success on your site", the ledgers sit on the flat tops of the non-symmetrical legs. Because the ledgers sit on the flat top of the non-symmetrical legs, there is not any structure on the non-symmetrical legs that will receive any portion of the ledger, and there is no structure at the ends of the ledgers to attach to the non-symmetrical legs. Further, since the ledgers sit on the flat tops of the non-symmetrical legs, there is no teaching or suggestion in Doka for any additional structures, such as ledger catches to secure the ledgers between the non-symmetrical legs.

TITAN, cited to teach a ledger having opposed ledger catches and top and bottom parallel channels, cannot be used to modify Doka. Doka, as discussed above, discloses that the ledgers sit on the flat tops of the non-symmetrical legs and are not attached to the sides of the non-symmetrical legs as shown in TITAN. Accordingly, the Examiner's combination of TITAN with Doka cannot be made, as Doka fails to teach or suggest modification in accordance with the system taught by TITAN.

Based on the reasons above, it is respectfully asserted that the Examiner's combination of Doka and TITAN is improper and could not be made absent hindsight. Accordingly, it is

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respectfully asserted that claim 5, 13, 14, 15, 17, 21, and 29 are non-obvious under 35 USC
103(a) in view of the cited art.

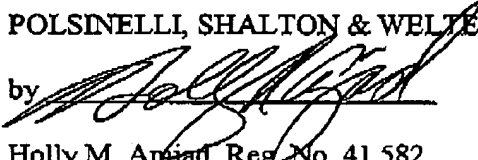
VI. Conclusion

Should the Examiner have any question or comment as to the form, content or entry of
this paper, the Examiner is requested to contact the undersigned at the telephone number below.
Similarly, if there are any further issues yet to be resolved to advance the prosecution of this
application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

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by


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